

# HOUSE BILL REPORT

## ESSB 5186

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**As Reported by House Committee On:**  
Environment

**Title:** An act relating to skiing in an area closed to the public.

**Brief Description:** Concerning skiing in an area or ski trail closed to the public.

**Sponsors:** Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Kastama, Delvin and Eide).

**Brief History:**

**Committee Activity:**

Environment: 3/17/11, 3/22/11 [DP].

**Brief Summary of Engrossed Substitute Bill**

- Provides that a person is guilty of Criminal Trespass in the second degree if he or she knowingly skis in an area or on a ski trail, owned or controlled by a ski operator, that is closed to the public and has signs posted indicating the closure.

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### HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** Do pass. Signed by 13 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Fitzgibbon, Jacks, Jinkins, Morris, Moscoso, Nealey, Pearson, Takko and Taylor.

**Minority Report:** Do not pass. Signed by 1 member: Representative Tharinger.

**Staff:** Courtney Barnes (786-7194).

**Background:**

Criminal Trespass.

A person who enters or remains unlawfully in or upon the premises of another is guilty of Criminal Trespass.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

*First Degree Criminal Trespass.*

Criminal Trespass in the first degree occurs if the premises involved is a building. Criminal Trespass in the first degree is a gross misdemeanor. Gross misdemeanors are punishable by up to one year in jail or a \$5,000 fine, or both.

*Second Degree Criminal Trespass.*

Criminal Trespass in the second degree occurs if the premises involved is not a building. Criminal Trespass in the second degree is a misdemeanor. Simple misdemeanors are punishable by up to 90 days in jail or a \$1,000 fine, or both.

Notice and Skier Responsibility.

Ski area operators are required to maintain a sign system based on international or national standards and as may be required by the State Parks and Recreation Commission. If a particular trail or run has been closed to the public by an operator, the operator must place a notice at the top of the trail or run involved.

Under Washington law, no person may ski on a run or trail that has been closed. Any person skiing outside the confines of trails open for skiing or runs open for skiing within the ski area boundary are responsible for any injuries or losses resulting from his or her actions.

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**Summary of Bill:**

A person is guilty of Criminal Trespass in the second degree if he or she knowingly skis in an area or on a ski trail, owned or controlled by a ski operator, that is closed to the public and has signs posted indicating the closure.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The bill concerns public safety. People are disregarding signs and skiing in closed areas. Those who ignore closure warnings endanger themselves, other skiers, avalanche control teams, and rescue personnel. The bill strengthens existing law by adding this type of conduct to the crime of Criminal Trespass in the second degree. The bill has been worked on with the assistance of prosecutors so that it can be enforced. The bill does not affect backcountry or out-of-bounds skiing, but it would apply to federal lands that are leased. The bill will deter people from skiing in closed areas.

The bill should be amended to include areas that are managed to mitigate avalanche hazards for highway safety. Including these areas in the bill would increase public safety.

(Opposed) None.

**Persons Testifying:** Senator Kastama, prime sponsor; Paul Baugher, Crystal Mountain Ski Patrol; and Rico Baroga, Department of Transportation.

**Persons Signed In To Testify But Not Testifying:** None.